



2. Respondent violated Neb. Rev. Stat. §44-4059(1)(b); §44-4059(1)(h), §44-4059(1)(j) (cum.supp. 2001) and Neb. Rev. Stat. §44-4050 (cum.supp. 2001) as a result of the following conduct:

- a. On or about January 23, 2003, Stephen L. Roman, (Roman), signed an enrollment form for medical insurance for individuals and families. The effective date of the policy was for February 1, 2003.
- b. On February 24, 2003, a complaint was received from Cynthia Buller (Buller), asserting that her former employer, Carl Bibb, president and CEO of Dunbar-Peterson Insurance Agency, (Respondent), signed her name to Roman's enrollment form for health insurance. Buller alleged that Respondent was not licensed for sickness, accident, health/life and annuities. Buller was licensed in the field of sickness, accident, health/life and annuities. Buller further alleged that Keith Limbo, (Limbo) who also worked for Dunbar-Peterson Insurance Agency, told her that Respondent was in a hurry to process the application and that signing documents for others was done all the time.
- c. On March 10, 2003, Sylvia T. Gregory-Witherspoon (Witherspoon), an insurance investigator for the Consumer Affairs Division of the Nebraska Department of Insurance, requested additional information from both Limbo and Bibb.
- d. On March 24, 2003, Limbo wrote to the Nebraska Department of Insurance and noted that Limbo had, in fact, told Buller about the "signature in blank" policy in the office. Limbo informed the Nebraska Department of Insurance that he believed Respondent had a fully completed application that was first started by Buller but discovered Buller had failed to sign the application as the producer. According to Limbo, "Mr. Bibb, knowing that Mrs. Buller had prepared the material, completed the form and delivered it to the insurer for processing."
- e. On March 25, 2003, Respondent responded to the Nebraska Department of Insurance's letter of March 10, 2003. In that response, Respondent did not specifically deny nor admit forging Buller's signature to the health insurance application.
- f. On April 2, 2003, Witherspoon sent Respondent a letter requesting that Respondent specifically respond to Buller's complaint that Respondent forged Buller's signature on Roman's health insurance application.

- g. On April 15, 2003, Respondent specifically denied forging Buller's signature based on the definition of "forge" found in Webster's Dictionary. Respondent did admit to signing Buller's signature in her absence.
- h. On April 23, 2003, Witherspoon wrote to Respondent and asked him whether or not he was licensed to sell sickness, accident and health lines in Nebraska.
- i. On May 9, 2003, Respondent admitted that his license to sell sickness, accident and health lines became effective on February 25, 2003.

3. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations contained in the Petition and restated in Paragraph #2 above.

#### CONCLUSIONS OF LAW

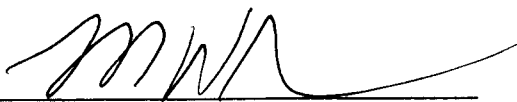
Respondent's conduct as alleged above constitutes a violation of Neb. Rev. Stat. §44-4059(1)(b); §44-4059(1)(h), §44-4059(1)(j) (cum.supp. 2001) and Neb. Rev. Stat. §44-4050 (cum.supp. 2001)

#### CONSENT ORDER

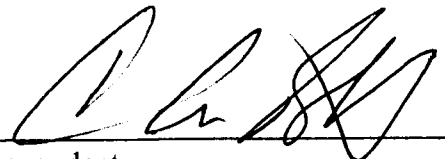
It is therefore ordered by the Director of Insurance and agreed to by Respondent, Carl M. Bibb, that Respondent shall pay an administrative fine of no less than two-thousand dollars (\$2,000) due within thirty days after the Director of Insurance approves and signs this consent order. Additionally, Respondent shall, within thirty days of approval of this consent order by the Director of Insurance, instruct his staff and all agents within his agency of the proper and legal manner in which to solicit, sell, and produce insurance products. This includes, but is not limited to, an instruction that an insurance producer must be specifically licensed in the line of insurance

product that he or she sells and that all signatures affixed on said product must be their own. Additionally, no person, including Respondent and those under his employment, are allowed to affix another name, other than their own, to any document(s) relating to the business of insurance unless so noted on the face of the document and allowable under the law. Respondent must provide written proof that he and all of his employees have been so instructed pursuant to the terms of this consent order. Respondent, to demonstrate proof that he has complied with this aspect of the consent order, shall submit to the Director of Insurance a letter signed by his employees that they have been so instructed by Respondent. Respondent must provide the written proof within thirty days after the Director of Insurance signs and approves this consent order. The Director of Insurance hereby grants consent to Respondent allowing him to engage in the business of insurance as contemplated by 18 U.S.C. §1033(e) upon Respondent's successful completion of the terms of the Consent Order as recited above. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department to make application for such further orders as may be necessary. If Respondent fails, after the signing of this agreement, to perform any of the tasks assigned by this Consent Order, Respondent shall be held in contempt of this order and subject to further administrative penalties as allowed by law.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.



Martin W. Swanson, #20795  
Attorney for Nebraska  
Department of Insurance  
941 "O" Street, Suite 400  
Lincoln, Nebraska 68508  
(402) 471-2201

  
Respondent

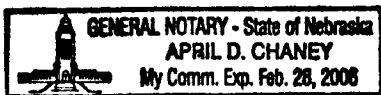
6/24/2003  
Date

6/24/03  
Date

*Levy Welch*  
Attorney for Respondent  
6/24/03  
Date

State of Nebraska )  
County of Douglas ) ss.

On this 24 day of June, 2003, Carl M. Bibb personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.



*April D. Chaney*  
Notary Public

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Carl M. Bibb, Cause No. A-1504.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

*L. Tim Wagner*  
L. TIM WAGNER  
Director of Insurance

7/1/03  
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, at  
1902 Howard Street, Omaha, Nebraska 68102, by certified mail, return receipt requested on this  
2<sup>nd</sup> day of July, 2003.

Gracy A. Gruhn